

REMARKS/ARGUMENTS

I. STATUS OF CLAIMS

Claims 1-39 remain in this application. Claims XX, XX, and XX have been amended.

II. CLAIM REJECTIONS – 35 U.S.C. § 103

The Office Action rejected Claims 1-7, 10, 20-26 and 29 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,530,085 to Perlman in view of U.S. Patent 6,476,947 to Harvey and U.S. Patent 6,658,663 to Bruynsteen. The rejection is respectfully traversed.

Applicant respectfully notes that the present application claims priority to Provisional Application Serial No. 60/131,532 filed on April 29, 1999. The Office Action has cited Bruynsteen which has a priority date of March 8, 2000, that is after the priority date of the present application. Therefore, the citation of Bruynsteen is unwarranted.

Further, there is no teaching or suggestion to combine Perlman and Harvey as the Office Actions suggests. As noted in the previous responses, Perlman specifically teaches that his system relays commands from a remote control to a VCR. Col. 10, lines 28-37 state (emphasis added):

“It is anticipated that the Internet terminal will incorporate **an IR receiver to receive commands from a remote control**. Rather than requiring the user to use a separate remote to operate the VCR, the **Internet terminal can relay the commands to the VCR** using IR connector 162. By providing IR connectors to each consumer electronics device with an IR receiver, each consumer electronics device may be controlled by a single remote.”

The Office Action misinterprets the term “relay” as used by Perlman. Webster’s Ninth New Collegiate Dictionary defines relay as:

“the act of passing along (as a message or ball) by stages”

Further, Dictionary.com defines relay as:

“An act of passing something along from one person, group, or station to another.”

Given these definitions, Perlman is saying that his Internet terminal passes along commands from the remote control to the VCR. The Office Action believes that “relay” means that there must be a translation step in between receiving commands and relaying the commands to a VCR, which is contrary to the definition of “relay” and Perlman’s disclosure. The Office Action states that it would have been obvious to one skilled in the art at the time of the invention to modify Perlman to use the local mass storage of Harvey, thus enabling for the storage of IR codes for a large number of devices. However, it is clear that Perlman teaches away from Harvey’s storage of IR data by teaching that Perlman’s system **relays** commands from a remote control to a VCR, thereby making Harvey’s storage of IR data unnecessary. Therefore, there is no teaching or suggestion in Perlman or Harvey to combine the references as the Office Action suggests.

Therefore, Perlman in view of Harvey does not teach or disclose the invention as claimed.

Claims 1 and 20 are in allowable condition. Claims 2-7, 10, and 21-26, 29, are dependent upon independent Claims 1 and 20, respectively. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

III. CLAIM REJECTIONS – 35 U.S.C. § 103

The Office Action rejected Claims 8, 9, 13-19, 27, 28 and 32-38 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,530,085 to Perlman in view of U.S. Patent 6,476,947 to Harvey and U.S. Patent 6,658,663 to Bruynsteen in further view of U.S. Patent 6,239,718 to Hoyt. The rejection is respectfully traversed.

The rejection under 35 U.S.C. §103(a) is deemed moot in view of Applicant's comments regarding Claims 1 and 20, above. Claims 8, 9, 13-19, and 27, 28, 32-38, are dependent upon independent Claims 1 and 20, respectively. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

IV. CLAIM REJECTIONS – 35 U.S.C. § 103

The Office Action rejected Claims 11, 12, 30, and 31 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,530,085 to Perlman in view of U.S. Patent 6,476,947 to Harvey and U.S. Patent 6,658,663 to Bruynsteen in further view of U.S. Patent 6,057,874 to Michaud.

The rejection under 35 U.S.C. §103(a) is deemed moot in view of Applicant's comments regarding Claims 1 and 20, above. Claims 11, 12, and 30, 31, are dependent upon independent Claims 1 and 20, respectively. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

V. CLAIM REJECTIONS – 35 U.S.C. § 103

The Office Action rejected Claim 39 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,530,085 to Perlman in view of U.S. Patent 6,476,947 to

Harvey, U.S. Patent 6,057,874 to Michaud and U.S. Patent 6,081,855 to DeCarmo. The rejection is respectfully traversed.

Claim 39 as been amended to clarify the claimed invention and appears as follows:

39. A system for controlling a set-top box with an IR signal, comprising:
- an IR control database for residence on a local mass storage system in a set-top unit;
 - wherein said set-top unit stores video and/or audio content received from said set-top box on said local mass storage system;
 - a module for receiving an IR control entry to create a received IR control entry;
 - a module for inserting said received IR control entry into said IR control database to create a first IR control entry of said IR control database;
 - a module for generating an IR control packet from a first IR control entry of said IR control database;
 - a module for controlling said set-top box by serial transmission of said IR control packet;
 - a raw IR control library residing on said mass storage system, wherein said raw IR control library contains a first raw IR control entry;
 - a module for parsing said first raw IR control entry of said raw IR control library to create a processed first IR control entry;
 - a module for communicating said processed first IR control entry to create said first IR control entry of said IR control database;

a corrections-additions database residing on said mass storage system, wherein said corrections-additions database contains a first correction data entry; and

a module for parsing said first correction data entry and said first raw IR control entry to create said processed first IR control entry, wherein said IR control database contains at least one IR control entry.

Claim 39 is allowable in the same manner as Claims 1 and 20 with regard to combining Perlman and Harvey. Further, neither Perlman nor Harvey, nor Michaud, nor DeCarmo teach or disclose a system wherein said set-top unit stores video and/or audio content received from said set-top box on said local mass storage system as cited in Claim 39.

Therefore, Perlman in view of Harvey, Michaud, and DeCarmo does not teach or disclose the invention as claimed.

Claim 39 is in allowable condition. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

VI. MISCELLANEOUS

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

The Applicants believe that all issues raised in the Office Action have been addressed and that allowance of the pending claims is appropriate. Entry of the amendments herein and further examination on the merits are respectfully requested.


The Examiner is invited to telephone the undersigned at (408) 414-1080 ext. 214 to discuss any issue that may advance prosecution.

No fee is believed to be due specifically in connection with this Reply. To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. § 1.136. The Commissioner is authorized to charge any fee that may be due in connection with this Reply to our Deposit Account No. 50-1302.

Respectfully submitted,

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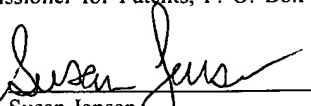
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

on July 20, 2006

by


Susan Jensen